

1. (First amended) Apparatus for the removal of accumulated material comprising
an elongated control member;
a curved scoop having an edge attached to said control member; and

means for facilitating the movement of said curved scoop over a surface having said accumulated material;

wherein a strut mechanism extends from said elongated control member to said curved scoop [over the curvature thereof] and the facilitating means is attached thereto.

12. (First amended) Apparatus as defined in claim 1 for the removal of accumulated material wherein

said control member is an elongated tube;

said control member is attached to [a] said curved scoop by a tube clamp which arcuately contacts said elongated tube and is connected to a flange portion of said scoop;

said strut mechanism comprises a plurality of members each including a foot, a leg and an arm with each arm positioned against said elongated tube at a location displaced from said tube clamp and each foot secured to said scoop.

13. (First amended) A method for removing accumulated material which comprises the steps of

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(a) providing a curved scoop with a control member attached to said scoop overlying the curvature thereof; and

(b) moving said curved scoop over a surface having said accumulated material by a strut mechanism having separated feet attached to said scoop with means [for facilitating the movement of said scoop] positioned beyond and under [the] a leading edge of said scoop for facilitating the movement of said scoop;

thereby to guard against hitting roof screws and nails.

14. (First amended) The method of claim 13 further including the step of [positioning a] sliding said strut mechanism against said control member [without connection thereto] and attaching said strut mechanism to said scoop.

15. (First amended) Apparatus as defined in [The method of] claim 11 wherein a wheel is attached to said curved scoop for facilitating the movement thereof.

Cancel claims 16-20.

Summary of the Office Action

1. The Rejection Under 35 USC 112

Claims 1-15 and 17-20 have been rejected under 35 USC 112, 2d Par. as indefinite.

The recitations in claim 1 that the strut mechanism extends "over the curvature " of the scoop and in claim 13 are considered misleading and misdescriptive since the

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disclosed strut and disclosed control member fail to extend along the curvature of the scoop as implied.

Also, it appears that "a curved scoop" in line 4 of claim 12 should be changed to -said curved scoop-. Further, the exact meaning of "beyond and under" in claim 13 is vague and unclear. Still further, there is no clear antecedent basis for "the leading edge" in claim 13 or "The method" in claim 15. Additionally, the exact meaning of claim 14 is vague and unclear. Also, it appears that "a" in line 2 of claim 14 should be changed to -said-.

Further, the recitations in claims 17 and 18 of means "engaging said surface" are inconsistent with and contradictory to the recitation in claim 16, from which they depend, that the scoop is moved "without engaging a surface". Still further, it is unclear whether the "curved scoop" in claims 19 and 20 refers to the "scoop" recited in claim 16 or is additional thereto. Also, the exact meaning of "rolling said scoop" in claim 19 is vague and unclear.

2. The Objection to Claims 14 and 15
For Improper Dependency

Claims 14 and 15 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The "positioning" step in claim 14 appears to be directed to a method of fabricating, rather to a method of removing accumulated material as recited in claim 13, from which it depends.

Also, purported method claim 15 contains only a structural limitation and, accordingly, fails to define any steps in a method.

3-4. The Rejection of Claims 16, 17 and 20
as Anticipated

These claims have been rejected under 35 USC 102(b) as anticipated by Wenzel, U.S. Patent 3,483,643 Issued Dec. 16, 1969 for Snow Scraper.

5. The Rejection of Claims 16-20
as Anticipated

These claims have been rejected under 35 USC 102(b) as anticipated by Goodnough, U.S. Patent 5,465,510 Issued Nov. 14, 1995 for Roof Rake.

6. Allowability of Claims 1-15

These claims would be allowable if rewritten or amended to overcome the rejections under 35 USC 112 above.

7. Objection to the Drawings

Objection has been made that there is a failure to designate connector "75", holes "75-h1" and "75-h2", lock nut "75-n" and feet "74-f" referenced in the specification for which correction is required.